

1 MICHAEL KAUFMAN (SBN 254575)
mkaufman@aclusocal.org
2 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
1313 West 8th Street
3 Los Angeles, California 90017
Telephone: (213) 977-5232
4 Facsimile: (213) 915-0219

5 | Attorneys for Plaintiffs-Petitioners

*6 Additional Counsel for Plaintiffs
and Defendants on Following Page*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 XOCHITL HERNANDEZ, CESAR
12 MATIAS, for themselves and on
13 behalf of a certified class of
similarly situated individuals,
14 *Plaintiffs-Petitioners,*
15 v.
16 MERRICK GARLAND, U.S.
17 Attorney General, et al.,
18 *Defendants-Respondents.*

Case No. 5:16-00620-JGB-KK

NOTICE OF JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT

***Zoom or Telephonic Appearance
Requested***

Hearing Date: December 6, 2021
Hearing Time: 9 a.m.
Complaint Filed: April 6, 2016

Honorable Jesus G. Bernal

1 MICHAEL TAN (*pro hac vice*)
2 mtan@aclu.org
3 JUDY RABINOVITZ (*pro hac vice*)
4 JRabinovitz@aclu.org
5 AMERICAN CIVIL LIBERTIES FOUNDATION
6 IMMIGRANTS' RIGHTS PROJECT
7 125 Broad Street, 18th Floor
8 New York, New York 10004-2400
9 Telephone: (212) 549-2618
10 Facsimile: (212) 549-2654

11 STEPHEN KANG (SBN 292280)
12 skang@aclu.org
13 AMERICAN CIVIL LIBERTIES FOUNDATION
14 IMMIGRANTS' RIGHTS PROJECT
15 39 Drumm Street
16 San Francisco, California 94111
17 Telephone: (415) 343-0783
18 Facsimile: (415) 395-0950

19 DOUGLAS A. SMITH (SBN 290598)
20 dougsmith@mayerbrown.com
21 MAYER BROWN LLP
22 350 S. Grand Ave, 25th Floor
23 Los Angeles, California 90071
24 Telephone: (213) 229-9500
25 Facsimile: (213) 625-0248

26 MATTHEW E. SLOAN (SBN 165165)
27 matthew.sloan@skadden.com
28 ASHLEY PHILLIPS (SBN 318397)
29 ashley.phillips@skadden.com
30 WINSTON P. HSIAO (SBN 273638)
31 winston.hsiao@skadden.com
32 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
33 300 S. Grand Ave, Suite 3400
34 Los Angeles, California 90071
35 Telephone: (213) 687-5276
36 Facsimile: (213) 621-5276

37
38 *Attorneys for Plaintiffs-Petitioners*

39 BRIAN C. WARD (IL 6404236)
40 brian.c.ward@usdoj.gov
41 KATHERINE J. SHINNERS (DC 978141)
42 Katherine.J.Shinners@usdoj.gov
43 Senior Litigation Counsel
44 COURTNEY E. MORAN (CA 288394)
45 courtney.e.moran@usdoj.gov
46 OZLEM B. BARNARD (NY 4350583)
47 ozlem.b.barnard@usdoj.gov
48 DHRUMAN Y. SAMPAT (NJ 270892018)
49 dhruman.y.sampat@usdoj.gov

1 Trial Attorneys
2 U.S. Department of Justice
3 Office of Immigration Litigation
District Court Section
P.O. Box 868 Ben Franklin Station
Washington, DC 20044
Telephone: (202) 532-4023

5 *Attorneys for the Defendants-Respondents*

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NOTICE OF MOTION AND MOTION

2 PLEASE TAKE NOTICE that Plaintiffs and Defendants hereby jointly
3 move under Federal Rules of Civil Procedure 23 for an order (1) granting
4 preliminary approval of the settlement reached between Plaintiffs and Defendants,
5 attached as Exhibit A to the Declaration of Michael Kaufman, as fair, reasonable,
6 and adequate; (2) granting preliminary certification of the Settlement Class; (3)
7 granting approval of the proposed notice to the Class and directing provision of
8 Class Notice; and (4) setting a schedule for the Fairness Hearing. This motion shall
9 be heard on December 6, 2021 at 9 a.m., or as soon thereafter as counsel may be
10 heard in the courtroom of the Honorable Jesus Bernal at the United States
11 Courthouse, 3470 Twelfth Street, Riverside, CA 92501. The Parties jointly request
12 that the Court permit counsel to appear via Zoom or telephone. Under Department
13 of Justice policy related to the COVID-19 pandemic, counsel for Defendants are
14 required to seek leave to appear remotely for court appearances. In addition, both
15 counsel for Defendants have unvaccinated children under the age of 12.
16 Accordingly, to avoid the risks for a potential COVID infection associated with air
17 travel and hotel stays, Defendants requests to appear via Zoom or telephone.

18 This motion is based upon this Notice of Motion and Motion, the
19 Memorandum of Points and Authorities in support thereof, the Declaration of
20 Michael Kaufman and the exhibits thereto, the complete files and records of this
21 action, and such other evidence and authorities as may be presented to the Court in
22 connection with the briefing and hearing of this motion.

23 This motion is made pursuant to the class Settlement Agreement entered into
24 by the parties, attached as Exhibit A to the Declaration of Michael Kaufman. This
25 motion is made following conferences of counsel, which have taken place over the
26 course of months, including during settlement negotiations.

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1 Respectfully submitted,

2 Dated: October 25, 2021

By: /s/ Michael Kaufman
MICHAEL KAUFMAN
Counsel for Plaintiffs

4 Dated: October 25, 2021

5 By: /s/ Brian Ward
BRIAN WARD
6 Counsel for Defendants

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